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concurrent with that of the governor, together with the commissioner of mental health, or his designee, and the commissioner of public health, or his designee. The governor shall designate one of his appointees to act as chairman of the council. Each appointive member shall be a resident of the commonwealth. The council members to be appointed by the governor shall consist of two practicing attorneys, two clergymen, one family sociologist, a family care worker, and a trained sociologist or a college instructor of sociology, with the rank of not less than assistant professor.

Section 152. The council shall conduct studies, investigation and research into (1) the scope and operation of the laws of the commonwealth and other states relating to marriage, actions affecting marriages, support of children and other dependents and the effect of court decisions thereon,

(2) the causes of family disintegration and the need for future publicly and privately sponsored programs which will promote and encourage stable family situations, and

(3) the impact of family disintegration on such factors as the cost of welfare programs, the incidence of juvenile delinquency and the rate of crime in the commonwealth.

The council shall make an annual report, as provided in chapter thirty.

The council may make available to the general public and interested persons pertinent information in the field of family life.

Section 153. Subject to the approval of the commissioner of administration, the council may apply for and accept on behalf of the commonwealth any funds or monies from any source including grants, bequests, gifts, contributions, compensation, or other payments made by the federal government and any agencies or subdivisions thereof or by any individual, corporation, association, or public authority. Said funds shall be deposited in a separate account with and received by the state treasurer on behalf of the commonwealth. All such funds may be expended without specific appropriation under terms and conditions provided in rules and regulations established by the commissioner of administration provided such expenditures are otherwise in accordance with law.

The council shall report in full all federal subventions and grants to the budget director and to the comptroller, and such reports shall include such itemization as may be required by federal regulation. All expenditures of funds or monies received by federal subvention or grant shall be subject to the audit of the state auditor.

Approved September 2, 1966.

Chap. 625. AN ACT CREATING THE BACK BAY RESIDENTIAL DISTRICT IN THE CITY OF BOSTON AND ESTABLISHING IN THE BOSTON REDEVELOPMENT AUTHORITY THE BACK BAY ARCHITECTURAL COMMISSION AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. *Purposes.* — The purposes of this act are as follows: (*a*) to promote the economic, cultural, educational and general welfare of the public through the encouragement of high design standards for

the residential portion of the Back Bay area in the city of Boston; (*b*) to safeguard the heritage of the city of Boston by preventing the despoliation of a district in that city which reflects important elements of its cultural, social, economic and political history; (*c*) to stabilize and strengthen residential property values in such area; (*d*) to foster civic beauty and (*e*) to strengthen the economy of the commonwealth and the city of Boston.

SECTION 2. *Establishment of the District.* — There is hereby created in the city of Boston a district to be known as the Back Bay Residential District bounded as follows: — westerly by the easterly side line of Charlesgate east; northerly by the southerly side line of Back street; easterly by the westerly side line of Embankment road; northerly by the southerly side line of Beacon street; easterly by the westerly side line of Arlington street; southerly by the northerly side lines of the public alleys between Newbury street and Commonwealth avenue, from Arlington street to the westerly side line of Massachusetts avenue, said lines being extended across intervening streets and Massachusetts avenue; westerly by the westerly side line of Massachusetts avenue; and southerly by the northerly side line of Newbury street.

SECTION 3. *Definitions.* — As used in this act, the following words shall have the following meanings: —

"Board", the Boston Redevelopment Authority or any successor to it in its capacity as the planning board of the city of Boston.

"Building Commissioner", the building commissioner of the city of Boston.

"City", city of Boston.

"Commission", the commission provided for by section four.

"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public street or way, but not such portions as are designed to be open to view only from a public alley, including but not limited to, kind, color and texture of the building material of such portion, type and design of all windows, doors, lights, signs, and other fixtures appurtenant to such portion, the location and adequacy of vehicular access, if any, and the location and treatment of any parking space for motor vehicles open to view from such public street or way.

"Structure", a structure as defined in the Boston Building Code, together with related paving, fencing or masonry or stone walls.

SECTION 4. *Back Bay Architectural Commission.* — There shall be in the Boston Redevelopment Authority a board, known as the Back Bay Architectural Commission, consisting of five commissioners, and five alternates, appointed by the mayor as follows: one commissioner from two candidates, and one alternate from two other candidates, nominated by the Neighborhood Association of the Back Bay, each of whose initial appointments shall be for the term of the remainder of the calendar year in which such appointments are made and one year thereafter; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Real Estate Board, each of whose initial appointments shall be for the term of the remainder of the calendar year in which such appointments are made and two years thereafter; one commissioner from two candidates and one alternate from two other candidates, nominated by the Boston Society of Architects, each of whose initial appointments shall be for

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the term of the remainder of the calendar year in which such appointments are made and two years thereafter; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Back Bay Association, each of whose initial appointments shall be for the term of the remainder of the calendar year in which such appointments are made and four years thereafter; and one commissioner, and one alternate, selected at large by the mayor, each of whose initial appointments shall be for the term of the remainder of the calendar year in which such appointments are made and five years thereafter. As the term of any commissioner expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Any vacancy in the office of a commissioner shall be filled in like manner for the unexpired term. As the term of any alternate expires, his successor shall be appointed in like manner as such alternate. Any vacancy in the office of an alternate shall be filled in like manner. Every person appointed an alternate shall be so appointed that his term will expire at the same time as the term of the incumbent commissioner appointed in the same manner as such alternate. Every commissioner and every alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any commissioner or alternate may be removed by the mayor as provided in section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. Whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner; but an alternate shall not otherwise be deemed to be, or act as, a member of the commission.

The commission may adopt, amend and repeal rules for the regulation of its affairs and the conduct of its business, and shall be deemed a department of the city for the purposes of section fifty-three A of chapter forty-four of the General Laws.

The commission shall annually on the first day of May, or as soon thereafter as conveniently may be, elect one of its members as chairman and another as vice chairman. The commission shall be provided with a secretary outside of its membership who shall be an employee of the board. Whenever the secretary shall not be in attendance at a meeting of the commission, the commission shall elect a secretary pro tem for such meeting. The members of the commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The records of the commission shall set forth every determination made by the commission and the vote of every member participating therein and the absence or failure to vote of every other member.

The commission shall not be subject to the supervision or control of the board; but unless otherwise ordered by the mayor, the commission shall not communicate with the mayor except through the board and shall not make any annual or other report except through the board.

SECTION 5. *Limitation on Issuance of Building Permit.* — No permit shall be issued by the building commissioner for the construction of any structure in the Back Bay Residential District or the reconstruction, alteration or demolition of any structure now or hereafter in said area, except in cases excluded by section nine, unless the application for such permit bears a certificate under section seven that no exterior architectural feature is involved or is accompanied by a certificate of design approval issued under section eight.

SECTION 6. *Limitation on Issuance of Sign Permit.* — No permit to erect a sign, marquee, awning, or other exterior architectural feature protruding from any structure in the Back Bay Residential District shall be issued by the public improvement commission of the city of Boston, or by any other agency now or hereafter authorized to issue such permits, unless the application for such permit shall be accompanied by a certificate of design approval issued under section eight.

SECTION 7. *Certificate of Nonapplicability of Statute.* — Except in cases excluded by section nine, every person about to apply to the building commissioner for a permit to construct any structure in the Back Bay Residential District or to reconstruct, alter or demolish any structure now or hereafter in said area shall deposit with the secretary of the commission his application for such permit together with such plans, specifications and other material as the commission may from time to time prescribe. Within eight days thereafter, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is involved. If it is so determined that no exterior architectural feature is involved, the secretary of the commission shall endorse on the application forthwith a certificate of such determination and return the application, plans, specifications and other material to the applicant.

SECTION 8. *Certificate of Design Approval.* — No person shall construct any exterior architectural feature in the Back Bay Residential District, or reconstruct, alter, change, except as hereafter provided, the exterior color of, or demolish, any such feature now or hereafter in said area, until such person shall have filed in duplicate with the secretary of the commission an application for a certificate of design approval in such form and with such plans, specifications and other material as the commission may from time to time prescribe and a certificate of design approval shall have been issued as hereinafter provided in this section. The commission shall retain one copy of the application and transmit the other to the board.

Within eight days after the filing of an application for a certificate of design approval, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall determine the properties deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of a public hearing on such application to be held not sooner than twenty days after the date on which the copy of the application was transmitted to the board. The public hearing may be conducted by the commission itself or by such member or members or employee or employees as the board may from time to time designate; provided, however, that if such public hearing is not conducted by the commission itself, the person or persons

so conducting it shall transmit a written report and recommendation thereon forthwith to the commission. There shall be available at such public hearing a report and recommendation from the board, together with material, plans or drawings to aid the commission in reaching its decision. The commission shall not render any decision until such report and recommendation has been received and considered, provided that if no such report and recommendation has been received by the time of the public hearing, the commission may render its decision without such report and recommendation.

As soon as conveniently may be after such public hearing or the waiver thereof, but in all events within forty calendar days after the filing of the application for the certificate of design approval, or within such further time as the applicant may in writing allow, the commission shall determine whether the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved will be approved as based upon a design appropriate for the purposes of this act, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the Back Bay Residential District generally, failure to issue a certificate of design approval will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this act. In passing upon any design, the commission shall consider, (*a*) the architectural value and significance of the structure and its relationship to the surrounding area; (*b*) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (*c*) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (*d*) any landscaping features proposed by the applicant; and (*e*) any aesthetic or other factor, which it deems to be pertinent.

The commission shall pass only upon the exterior architectural features of a structure and shall not consider interior arrangements nor the use to be made of the structure. It is the intent of this act that the commission be strict in its judgment of plans involving substantial new construction or for structures deemed to be valuable according to studies performed on behalf of the city, the board or the commission for said area to determine which structures are of architectural value. It is also the intent of this act that the commission shall be lenient in its judgment of plans for structures of little architectural value except where such plans would seriously impair the architectural value of surrounding structures or the surrounding area.

If the commission determines that the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved meets with its approval or, although inappropriate, owing to conditions as aforesaid, failure to issue a certificate of design approval will involve substantial hardship to the applicant and issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the commission fails to make a determination within the time hereinbefore prescribed, the secretary of the commission shall forthwith issue to the applicant a certificate of design approval. In approving an application the commission may impose conditions which, if the certificate of design approval or the permit for demolition or removal is acted upon, shall be binding upon the applicant, the owner of the property and his successors in title. Any such conditions may subsequently be modified or removed by the commission. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action and permit the applicant to express his opinion thereon. If the commission determines that a certificate of appropriateness should not issue, the commission shall forthwith spread upon its records the reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, change in exterior color or demolition. Upon the making of any such determination the secretary of the commission shall forthwith by mail, postage prepaid, give notice of such determination to the applicant and to every person filing written request for such notice, transmitting therewith an attested copy of the reasons and recommendations, if any, spread upon the records of the commission.

The exterior color of any building or structure or portions thereof within the Back Bay Residential District may, without the filing of an application for, or the issuance of, a certificate of design approval, be changed to any color or any combination of colors which the commission shall determine from time to time may be so used without substantial derogation from the intent and purposes of this act.

SECTION 9. *Exclusions.* — Nothing in this act shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature now or hereafter in the Back Bay Residential District which involves no change in design, material, color or outward appearance thereof; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the building commissioner prior to the effective date of this act.

SECTION 10. *Appeals.* — Any person aggrieved by a determination of the commission may, within thirty days after the making of such determination, appeal to the superior court sitting in equity for the county of Suffolk; provided that within eight days, exclusive of Saturdays, Sundays and legal holidays, after the secretary of the commission mails the notices provided for by the fifth paragraph of section eight, such person files with such secretary written notice of his intention to appeal. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given by the board to be unwarranted by the evidence or to be insufficient in law to warrant the determination of the commission or make such other decree as justice and equity may require. The remedies provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination or approval of the commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

SECTION 11. *Enforcement.* — Whoever constructs, reconstructs, alters, changes the exterior color of or demolishes any exterior architectural feature now or hereafter in the Back Bay Residential District in violation of this act shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars. In addition, whoever, after notice from the secretary of the commission, maintains any exterior architectural feature now or hereafter in the Back Bay Residential District in violation of this act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day during any portion of which such violation is allowed to continue shall constitute a separate offense.

The superior court sitting as aforesaid may, upon application of the commission, restrain the construction, reconstruction, alteration, change in exterior color of or demolition of any exterior architectural feature now or hereafter in the Back Bay Residential District in violation of this act and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered or demolished in violation thereof or the exterior color of which is changed in violation thereof.

SECTION 12. *Severability of Provisions.* — The provisions of this act shall be deemed to be severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 13. *Effective Date.* — This act shall take effect on December first, nineteen hundred and sixty-six. *Approved September 3, 1966.*

Chap. 626. AN ACT INCREASING THE COMMONWEALTH'S GUARANTEE AND ANNUAL CONTRIBUTIONS FOR THE HOUSING OF ELDERLY PERSONS.

Be it enacted, etc., as follows:

Chapter 121 of the General Laws is hereby amended by striking out section 26VV, as most recently amended by chapter 551 of the acts of 1963, and inserting in place thereof the following section: —

Section 26VV. The commonwealth, acting by and through the department of commerce and development, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a guarantee by the commonwealth of bonds and notes, or either bonds or notes, of the housing authority issued to finance the cost of a project or projects or a part or parts of a project or projects to provide housing for elderly persons of low income. The amount of bonds and notes, or bonds or notes, guaranteed by the commonwealth under this section shall not exceed one hundred and fifty million dollars. Each contract for state financial assistance shall provide that the commonwealth will pay to the housing authority annual contributions; provided, however, that the total amount of annual contributions contracted for by the commonwealth for any one year shall not exceed three million seven hundred and fifty thousand dollars. Each such annual contribution by the commonwealth shall be paid by the commonwealth upon approval and certification by the department of commerce and development to the state comptroller. The provisions of sections twenty-six NN and twenty-six OO shall, so far as apt, be applicable to contracts for state financial assistance under this section.

In addition to said annual contribution, the commonwealth shall upon approval and certification by the department of commerce and development to the state comptroller pay an additional annual contribution of one and one half per cent of the completion cost during any fiscal year over and above the annual contribution of two and one half per cent of the completion cost permitted under the first paragraph of this section and under sections twenty-six NN and twenty-six OO for any project or projects or a part or parts of a project or projects to provide housing for elderly persons of low income; provided, said project or projects have been determined to be complete and eligible to receive such annual contributions by said division; and provided, further, that the commissioner of said department finds that the combined revenue and subsidy of such projects is insufficient to meet the cost of operation and debt service. The additional annual contributions authorized under this paragraph shall not in any one year exceed two million two hundred and fifty thousand dollars, over and above the three million seven hundred and fifty thousand dollars authorized under the first paragraph.

Approved September 3, 1966.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, September 3, 1966.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 626 of the Acts of 1966, entitled "An Act increasing the Commonwealth's Guarantee and Annual Contributions for the Housing of Elderly Persons." and the enactment of which received my approval on September 3, 1966, should take effect forthwith.

Postponement of the operation of this act would defeat its purpose which is to provide immediately for urgently needed housing for elderly people.

Sincerely,

JOHN A. VOLPE,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON September, 3, 1966.

I, Kevin H. White, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at five o'clock and fifteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and twenty-six of the acts of nineteen hundred and sixty-six.

KEVIN H. WHITE,
Secretary of the Commonwealth.